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Paper No. 6

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MAY 14 2004

In re Application of
Radhouane
Application No. 09/668,864
Filed: September 25, 2000
For: AUTO ADJUSTMENT VIDEO
PROJECTOR (AAVP)

OFFICE OF PETITIONS

This decision concerns the February 25, 2004 petition under 37 CFR 1.137(b).

The petition is **DISMISSED**.

On January 24, 2003, a non-final Office action was mailed, setting forth a 3-month shortened statutory reply period. No response was filed on or before July 24, 2003, and no extension of time under 37 CFR 1.136(a) was obtained. The application became abandoned on April 25, 2003.

The instant petition seeks to revive the application under 37 CFR 1.137(b).

A grantable petition under 37 CFR 1.137(b), in the instant case, must be accompanied by: (1) the **required reply to the Office action**, unless previously filed (e.g., a response to the January 24, 2003 Office Action, or, the filing of a continuing application); (2) the petition fee; and (3) a statement that the entire delay in filing the required reply from its due date until the filing of a grantable §1.137(b) petition was unintentional.

The instant petition lacks item (1) and is thus dismissed.

The Office acknowledges receipt with the petition of a \$1,330 petition fee, but there is no evidence that Applicant has assigned the rights in the claimed invention to an entity that is not eligible for claiming small entity status.¹

In addition, the petition uses a correspondence address different from that in the USPTO record for this application. A blank form for changing the correspondence address is attached.

¹ This may result in an overpayment. As an independent inventor, Applicant is entitled to claiming small entity status, and is entitled to a 50% reduction of certain fees, such as the application filing fee and the instant petition fee. See attached copy of 37 CFR 1.27. Applicant should contact the undersigned for explanation of this rule provision.

A renewed §1.137(b) petition must:

-include a proper response to the January 24, 2003 non-final Office Action;

-be filed within **TWO MONTHS** of the mailing date of this decision;²

and should be addressed to:

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Finally, Applicant is urged to contact the undersigned upon receipt of this decision for explanation of this decision, and on how to further prosecute this application.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.



RC Tang
Petitions Attorney
Office of Petitions

Attachments: 1/24/03 non-final Office Action (courtesy copy)
Blank form PTO/SB/64
Printout of 37 CFR 1.27, 1.28.

² Extensions of time under 37 CFR 1.136(a) are available with payment of the appropriate fee(s). 37 CFR 1.137(e)(1).